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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,623	11/26/2003	Girish T. Dalal	201TR032	7109
37535	7590	06/01/2006	EXAMINER	
NOVEON IP HOLDINGS CORP.			PENG, KUO LIANG	
9911 BRECKSVILLE ROAD			ART UNIT	PAPER NUMBER
CLEVELAND, OH 44141-3247			1712	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,623

Applicant(s)

DALAL ET AL.

Examiner

Kuo-Liang Peng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/21/06 Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 6-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Applicants' amendment filed on March 21, 2006 is acknowledged.

Claims 1, 3 and 5 are amended. Claims 6-18 are withdrawn. Now, Claims 1-5 are pending.

2. Claim objection(s) in paragraph 6 of the previous Office Action (Paper No. 091705) is/are removed.

3. Claim rejection(s) under 35 USC 112 in paragraph 8 of the previous Office Action (Paper No. 091705) is/are removed.

4. Claim rejection(s) under 35 USC 103 in paragraph 13 of the previous Office Action (Paper No. 091705) is/are removed.

5. The text of those sections of Title 35, U.S. code not included in this action can be found in prior Office Action(s).

Specification

6. The disclosure is objected to because of the following informalities:

In the specification (page 10, lines 3-5), it is not clear as to what “<90% value particle diameter (90% by weight of the particles are of a particle diameter below the range) of about 0.30 to about 3 microns” refers to.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 5 (lines 9-10), it is not clear as to what “90% by weight of said zeolite particles are of a particle diameter **below the range of** from about 0.30 to about 3 microns” refers to. (Emphasis added)

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the use of a zeolite having a mean particle diameter in the range of about 0.25 to about 1.5 microns (page 10, lines 2-3), does not reasonably provide enablement for the use of a zeolite having a mean particle diameter less than 1.5 microns (Claim 1, line 8). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

Claim Rejections - 35 USC § 102

10. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Dettermann (US 5 912 277) as evidenced by Gray (US 4 123 376) and Muarayama (US 6 486 333).

Dettermann discloses a polymer blend comprising a CPVC, an impact modifier, a stabilizer, etc. (col. 3, lines 16-29) The intrinsic viscosity and chlorine content are described in col. 4, lines 51 to col. 5, line 34. The amount of the stabilizer is described in col. 6, lines 48-65. A co-stabilizer of an alkali metal aluminosilicate zeolite can be used in an amount described in col. 6, line 66 to col. 7, line 35. The impact modifier can be a silicone rubber/acrylic copolymers, etc.

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(col. 7, lines 35-49 and col. 8, line 32 to col. 10, line 5) The typical amounts of the ingredients are also exemplified in Examples. Dettermann also teaches the use of a zeolite 4A. (col. 7, lines 1-34) Note that Gray teaches that zeolite 4A contains about 20% of water (Example 11). Murayama (US 6 486 333) teaches that zeolite 4A has an average particle size of 3 microns. (Table 4) In view of the 112 issue, *supra*, the present invention is anticipated by Dettermann.

For Applicants' argument (Remarks, page 7, last paragraph), since Dettermann teaches the use of zeolite. The argument of any unexpected result seems to be improper.

11. Claims 2-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Dettermann as evidenced by Eshuis (US 5 635 588), Gray (US 4 123 376) and Muarayama (US 6 486 333).

For Applicants' argument (Remarks, page 8, paragraphs 2-3), since Dettermann teaches the use of zeolite, *supra*. The argument of any unexpected result seems to be improper. Applicants are further reminded that Eshuis applied here is merely for showing a typical zeolite composition. Therefore, arguing the motivation to combine with Eshuis appears to be improper.

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12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

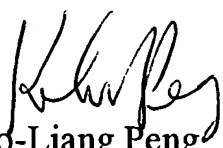
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on

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(571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp
May 26, 2006


Kuo-Liang Peng
Primary Examiner
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